

Information No. 998 090348

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

V

ANDREA JOYCE ARMSTRONG

P R O C E E D I N G S A T S E N T E N C I N G

BEFORE THE HONOURABLE JUSTICE L.T.G. COLLINS,
On June 19, 2009, at PETERBOROUGH, Ontario

CHARGE: S. 266, C.C. - Assault

APPEARANCES:

J. Hughes
A. Armstrong

Counsel for the Crown
Appearing on own behalf

Malicious Prosecution # 1

The Fruit of the Poisonous Tree

The defendants will face two more arrests for her attempts to appeal this malicious prosecution.

FRIDAY, JUNE 19, 2009

THE COURT: Now, we have another sentencing matter of....

MR. HUGHES: Andrea Armstrong.

THE COURT: Andrea Armstrong.

MR. HUGHES: Would you call that person please? Could we page that name?

THE COURT: May I see the information please? Have we paged Andrea Armstrong? We'll wait for a moment until your clerk comes back.

...ANDREA ARMSTRONG PAGED

...OTHER MATTER SPOKEN TO

THE COURT: You may have a seat, Ms. Armstrong. You may have a seat. Thank you.

...OTHER MATTER SPOKEN TO

THE COURT: Now, on the matter of Andrea Joyce Armstrong, moving to sentence on behalf of the Crown.

MR. HUGHES: Thank you, sir. The charge is one of assault. Your Honour, it's my understanding that the trial occurred before you a couple of weeks ago I think, and the matter was a self-defended matter so I'm not completely clear upon the court's findings of fact, and I don't have any assistance from the trial Crown who conducted the

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trial, but nevertheless, Your Honour, it's my understanding the accused does not have a criminal record, that this is an assault charge. It's my understanding it arose over a phone charger or a battery charger for a phone of some sort, and if I understand correctly, I think the allegation of assault is - it alleges that Ms. Armstrong believed that Ms. Carkner had taken her daughter's cell phone charge and took....

THE COURT: You don't have to recite the facts. I recall them.

MR. HUGHES: Sure. You know just - okay - fair enough, Your Honour. I think it's an assault charge - a push I believe. The accused has no record and I'm not going to go crazy on sentence, sir.

THE COURT: Thank you. Submissions to penalty, Ms. Armstrong? You may stand or be seated, however you are more comfortable.

ANDREA AMRSTRONG: Please be patient with me. I have a feeling this is the last time I will be able to speak about this whole situation. The Crown finally orchestrated this case against me using knowledge they received from me prior to the trial as to the weaknesses in their case. An officer's notebook is for writing fact, not hearsay. Green did - witness Green did change her statement. How many hours did the Crown spend preparing this witness in the....

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THE COURT: Ms. Armstrong, I have heard the whole case and I have heard your submissions...

ANDREA ARMSTRONG: Okay.

THE COURT: ...on the subject of guilt or innocence....

ANDREA ARMSTRONG: In this case....

THE COURT: You have been found guilty.

What is the appropriate sentence?

ANDREA ARMSTRONG: Well, like I have no....

THE COURT: I am not going to review the case if that's what you are thinking.

ANDREA ARMSTRONG: I have no - well, I was told I'm supposed to put information about my background and stuff in this. I do not have legal counsel still.

THE COURT: Okay. But ma'am, your background.

ANDREA ARMSTRONG: Well, first I'd like to state that this case involves several faults of law which would permit an appeal, including the refusal of my Rowbotham application....

THE COURT: Well, then if you are considering an appeal there is a way to do that.

ANDREA ARMSTRONG: The refusal....

THE COURT: I want to know about you and your background and what is the appropriate sentence here.

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ANDREA ARMSTRONG: Umm - another issue I would like you to consider in sentencing is that I find there's been a bit of overreaction by a supposedly impartial judge over these exaggerated claims of ranting and raving....

THE COURT: All right. That's enough of that.

ANDREA ARMSTRONG: Pardon?

THE COURT: If you are going to be accusing the judge as well, you have really stepped beyond the pale.

ANDREA ARMSTRONG: Well I have....

THE COURT: What is the appropriate sentence, please tell me now. What should be the sentence?

ANDREA AMRSTRONG: You know what? If I'm not allowed to say anything - that's all - I'm here because I've been refused my rights to counsel.

THE COURT: All right.

ANDREA AMRSTRONG: I cannot go ahead without a counsellor.

REASONS FOR SENTENCE

COLLINS, J. (Orally):

There will be a suspended sentence.
Probation for one year, keep the peace and
be of good behaviour, no reporting to a
probation officer. You will remain away
from and not contact directly or indirectly
except through a lawyer, Rachel Carkner, or
any member of her family.

MR. HUGHES: Perhaps, Your Honour, could I
suggest not to attend at any address where
she may be located.

THE COURT: Remain away from her place of
residence, place of employment, place of
education.

MR. HUGHES: Your Honour, I'd also note this
is an offence of violence. I suppose - you
know if you wish to do so, I'd ask you to
consider and perhaps deny the Crown's
application for a DNA order so that that can
could be....

THE COURT: There will not be a DNA order.
She has no record.

MR. HUGHES: And similarly with a weapons
prohibition, again, I don't have a
strong....

THE COURT: Not necessary.

MR. HUGHES: Thank you, very much.

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ANDREA ARMSTRONG: Thank you.

THE COURT: You will take a seat at the back of the court, madam, until the probation order has been signed.

ANDREA ARMSTRONG: Umm - with the....

THE COURT: You will be given a copy of it and then you will be free to go. I am not even requiring you to report to a probation officer.

ANDREA ARMSTRONG: Okay, well - will this....

THE COURT: Thank you. The matter is finished.

ANDREA ARMSTRONG: Will this allow me to leave the province?

THE COURT: Court will now rise for ten minutes. Thank you.

COURTROOM CLERK: Order, all rise. This court stands recessed. Please clear the courtroom. Please clear the courtroom, ma'am.

MR. HUGHES: I'm not going to talk to you about it.

COURTROOM CLERK: Ma'am, please clear the courtroom.

MR. HUGHES: The clerk will have your probation order....

ANDREA ARMSTRONG: This is not a courtroom. This is not an impartial....

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Certification

FORM 2
CERTIFICATE OF TRANSCRIPT
(SUBSECTION 5 (2))

I, Sharon Reynolds, certify that this document is
a true and accurate transcript of the recording
of R.v. Andrea Armstrong in the Ontario Court
of Justice held at 70 Simcoe Street,
Peterborough taken from Recording No. 3311-7-
106-2009 which has been certified in Form 1.

Dec. 14/10
(Date)

J. Reynolds
(Signature)

Court Clerk Lori Moloney
refused to authenticate transcript
and refused to disclose the
audio recording.

This is not a verbatim transcript.
Many sentences have been removed,
Moloney also claimed she
***“ privately owns the
court audio”*** indicating the prosecution
was privately motivate,
not a public prosecution and
not in the public interest

Everybody has a conflict of interest.

The judge has a serious conflict of interest.

He was a city councilor the year before
his Family Compact buddies, the Huffman's, were
granted both the public housing construction contract
and the police station.

The judge was in a position to rig the public procurement bids.

His serious misapprehension of the defense evidence is so
evil that it indicates he is motivated by hatred for the defendant
and likely acting with such hostility because he is worried about
the corruption being exposed by the defendant's
ongoing public interest investigations.